

SECRET

17 AUG 1976

DD/A Registry
76-4398

OGC HAS
REVIEWED.

MEMORANDUM FOR: Deputy Director for Administration

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Within-Grade Increases for Part-time and
Intermittent Employees

REFERENCE : OGC 76-2564, dtd 14 May 1976, subj:
Within-Grade Increase for Part-time
and Intermittent Employees

1. This memorandum submits a recommendation for your approval in paragraph five (5).

2. By referent memorandum, the Office of General Counsel concurred in our recommendation that part-time and intermittent employees can receive within-grade increases even though they do not occupy "positions" per se on the staffing complement. We felt that with the implementation of the single ceiling and with the decision that only full-time permanent employees (whether staff or contract) occupy positions with all others being budget controlled, those budget controlled employees, many of whom are contract employees, should have within-grade eligibility. Historically, provision for within-grade increases in contract employee contracts has been discretionary with operating officials.

3. Subsequently, we discussed whether employees on a one-year contract which is extended from year to year fall within the definition of a "temporary employee" in the Civil Service terms of a temporary employee, thereby making those employees ineligible for within-grade increases. Recognizing that many of the contract employees, particularly spouses at overseas posts, are under a one-year contract which is extended from year to year so that they may have Social Security coverage, we believe that they do not fit the definition of "temporary." For our internal ceiling charge, once a full-time contract employee's contract is extended beyond the initial one year, the employee is counted against the Agency's full-time permanent ceiling.

SECRET

2 IMPDET CL BY 063837

SECRET

4. An allied matter to the within-grade increases is the authorization of legislative pay increases for contract employees paid on a GS equivalent or GS equivalent related pay scale. Staff employees, by virtue of being appointed employees, automatically receive legislative pay increases. Virtually all contract employees have that benefit contained in their contracts, but again [REDACTED] states that legislative pay increases will normally be granted. Under the single ceiling concept we recommend that, as a matter of policy, all contract employees paid on a GS equivalent or GS equivalent related pay scale should have the legislative pay increase authorization.

25X1A

5. Therefore, we propose the issuance of a headquarters [REDACTED] notice for your signature which will state that, as a matter of policy, all contracts (except for rehired annuitants) whether full-time, part-time or intermittent, for those contract employees paid on a GS equivalent or GS equivalent related pay scale will contain a provision which authorizes eligibility for within-grade increases effective 6 July 1975, the beginning of the first pay period after the implementation of the single personnel ceiling in the Agency. The notice will also state that, as a matter of policy, all contracts for those contract employees paid on a GS equivalent or GS equivalent related pay scale will contain a provision authorizing all future legislative pay increases. This proposal has the informal concurrence of a representative of DDO/CMG.

25X1A

(Signed) F. W. M. Janney

F. W. M. Janney

CONCUR:

25X1A

[REDACTED]
Office of General Counsel

1 Sept 76
Date

ILLEGIB

2 SEP 1976
Date

SECRET

Distribution:

Orig - Return to D/Pers

2 - DDA Chrono, Subject

1 - OGC (Attn: Mr. [REDACTED])

1 - DDO/CMG (Attn: [REDACTED])

1 - C/Review Staff/OP

1 - D/Pers

1 - C/CPD (1 w/held)

25X1A

8 FEB 76

25X1A

OP/CPD/[REDACTED] gec (16 Aug 76)

ILLEGIB

25X1A

ILLEGIB

25X1A

(21800) L. M. W. TUBBIA

ILLEGIB

MEMORANDUM FOR: Director of Personnel

SUBJECT: Within-Grade Increase for Part-Time and Intermittent Employees

1. You have requested the concurrence of this Office in a proposal to pay part-time and intermittent employees within-grade increases, regardless of the fact that they do not occupy positions on the staffing complement. Your memo states that this question arose because of a change in Agency personnel strength accounting procedures put into effect on 1 July 1975. This change implemented a single personnel ceiling policy whereby all full-time permanent employees, both staff and contract, are assigned established positions on the staffing complement while part-time and intermittent employees, formally assigned to specific slots, are now budget-controlled. Since 5 U.S.C. 535 authorizes payment of within-grade increases only to individuals who occupy permanent positions in the General Schedule, you have raised the question of whether this shift may now make part-time or intermittent employees ineligible for within-grade increases. In this regard you note that in other Government agencies, such individuals normally occupy specific positions within other Federal agencies and that, as a matter of equity, part-time or intermittent employees of the CIA should be entitled to the same treatment.

2. The pertinent statutory authority on this question is found in 5 U.S.C. 5335 which states:

(a) An employee paid on an annual basis, and occupying a permanent position within the scope of the General Schedule, who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay successively to the next higher rate within the grade at the beginning of the next pay period following the completion of... (Emphasis added.)

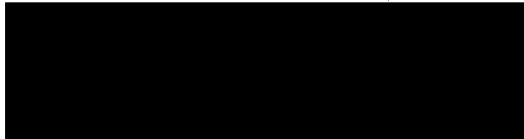
Paragraph 4-4 of chapter 531 of the Federal Personnel Manual provides further guidance on within-grade increases and states:

The within-grade increase provisions of the General Schedule and the Commission's regulations apply to full-time, regular part-time, when-actually-employed, and intermittent employees who occupy permanent positions under the law....

Paragraph 4-5a(2) defines "permanent position" as "...one filled on a permanent basis, that is, one not designated as temporary by law and not having a definite time limitation." Our survey of existing laws and regulations has not revealed any language which equates permanent positions as defined above with "position" or "slot" as used in your memo, which essentially discusses positions in relation to personnel accountability systems. Discussions with personnel of the Civil Service Commission's Bureau of Policy and Standards, Pay and Leave Administration Section, confirmed our conclusion that a permanent position and a position in a personnel accountability system may be viewed as separate and distinct from each other.

3. Since it is apparent in the language of paragraph 4-4 that part-time and intermittent employees can, in fact, occupy permanent positions, this Office sees no reason why such positions cannot be regulated by budgetary controls as well as by the establishment of specific slots. Accordingly, we concur in granting within-grade increases to part-time and intermittent employees, regardless of the fact that they do not occupy specific slots on the staffing complement, if they otherwise qualify for such an entitlement. Further, we see no legal objection to making this determination effective as of 1 July 1975.

25X1A


Office of General Counsel
Operations and Management Law Division

cc: C/Review Staff/OP
LCPD/OP

100-100000

500020009-5

Attendant Employees

NO.

6825


17 AUG 1976

DATE _____


COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED



107



Fred,

2 SEP 1976

Good proposal

It answers again

~~2 SEP 1976~~

also contributes

For care of
Indians

adverse

STATINTL

[REDACTED]

STATINTL

the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50 percent, and the number of people 75 years of age or older has increased by 100 percent. The number of people 85 years of age or older has increased by 200 percent. The number of people 95 years of age or older has increased by 400 percent. The number of people 100 years of age or older has increased by 1,000 percent. The number of people 105 years of age or older has increased by 2,000 percent. The number of people 110 years of age or older has increased by 4,000 percent. The number of people 115 years of age or older has increased by 8,000 percent. The number of people 120 years of age or older has increased by 16,000 percent. The number of people 125 years of age or older has increased by 32,000 percent. The number of people 130 years of age or older has increased by 64,000 percent. The number of people 135 years of age or older has increased by 128,000 percent. The number of people 140 years of age or older has increased by 256,000 percent. The number of people 145 years of age or older has increased by 512,000 percent. The number of people 150 years of age or older has increased by 1,024,000 percent. The number of people 155 years of age or older has increased by 2,048,000 percent. The number of people 160 years of age or older has increased by 4,096,000 percent. The number of people 165 years of age or older has increased by 8,192,000 percent. The number of people 170 years of age or older has increased by 16,384,000 percent. The number of people 175 years of age or older has increased by 32,768,000 percent. The number of people 180 years of age or older has increased by 65,536,000 percent. The number of people 185 years of age or older has increased by 131,072,000 percent. The number of people 190 years of age or older has increased by 262,144,000 percent. The number of people 195 years of age or older has increased by 524,288,000 percent. The number of people 200 years of age or older has increased by 1,048,576,000 percent. The number of people 205 years of age or older has increased by 2,097,152,000 percent. The number of people 210 years of age or older has increased by 4,194,304,000 percent. The number of people 215 years of age or older has increased by 8,388,608,000 percent. The number of people 220 years of age or older has increased by 16,777,216,000 percent. The number of people 225 years of age or older has increased by 33,554,432,000 percent. The number of people 230 years of age or older has increased by 67,108,864,000 percent. The number of people 235 years of age or older has increased by 134,217,728,000 percent. The number of people 240 years of age or older has increased by 268,435,456,000 percent. The number of people 245 years of age or older has increased by 536,870,912,000 percent. The number of people 250 years of age or older has increased by 1,073,741,824,000 percent. The number of people 255 years of age or older has increased by 2,147,483,648,000 percent. The number of people 260 years of age or older has increased by 4,294,967,296,000 percent. The number of people 265 years of age or older has increased by 8,589,934,592,000 percent. The number of people 270 years of age or older has increased by 17,179,869,184,000 percent. The number of people 275 years of age or older has increased by 34,359,738,368,000 percent. The number of people 280 years of age or older has increased by 68,719,476,736,000 percent. The number of people 285 years of age or older has increased by 137,438,953,472,000 percent. The number of people 290 years of age or older has increased by 274,877,906,944,000 percent. The number of people 295 years of age or older has increased by 549,755,813,888,000 percent. The number of people 300 years of age or older has increased by 1,099,511,627,776,000 percent. The number of people 305 years of age or older has increased by 2,199,023,255,552,000 percent. The number of people 310 years of age or older has increased by 4,398,046,511,104,000 percent. The number of people 315 years of age or older has increased by 8,796,093,022,208,000 percent. The number of people 320 years of age or older has increased by 17,592,186,044,416,000 percent. The number of people 325 years of age or older has increased by 35,184,372,088,832,000 percent. The number of people 330 years of age or older has increased by 70,368,744,177,664,000 percent. The number of people 335 years of age or older has increased by 140,737,488,355,328,000 percent. The number of people 340 years of age or older has increased by 281,474,976,710,656,000 percent. The number of people 345 years of age or older has increased by 562,949,953,421,312,000 percent. The number of people 350 years of age or older has increased by 1,125,899,906,842,624,000 percent. The number of people 355 years of age or older has increased by 2,251,799,813,685,248,000 percent. The number of people 360 years of age or older has increased by 4,503,599,627,370,496,000 percent. The number of people 365 years of age or older has increased by 9,007,199,254,740,992,000 percent. The number of people 370 years of age or older has increased by 18,014,398,509,481,984,000 percent. The number of people 375 years of age or older has increased by 36,028,797,018,963,968,000 percent. The number of people 380 years of age or older has increased by 72,057,594,037,927,936,000 percent. The number of people 385 years of age or older has increased by 144,115,188,075,855,872,000 percent. The number of people 390 years of age or older has increased by 288,230,376,151,711,744,000 percent. The number of people 395 years of age or older has increased by 576,460,752,303,423,488,000 percent. The number of people 400 years of age or older has increased by 1,152,921,504,606,846,976,000 percent. The number of people 405 years of age or older has increased by 2,305,843,009,213,693,952,000 percent. The number of people 410 years of age or older has increased by 4,611,686,018,427,387,904,000 percent. The number of people 415 years of age or older has increased by 9,223,372,036,854,775,808,000 percent. The number of people 420 years of age or older has increased by 18,446,744,073,709,551,616,000 percent. The number of people 425 years of age or older has increased by 36,893,488,147,419,103,232,000 percent. The number of people 430 years of age or older has increased by 73,786,976,294,838,206,464,000 percent. The number of people 435 years of age or older has increased by 147,573,952,589,676,412,928,000 percent. The number of people 440 years of age or older has increased by 295,147,905,179,352,825,856,000 percent. The number of people 445 years of age or older has increased by 590,295,810,358,705,651,712,000 percent. The number of people 450 years of age or older has increased by 1,180,591,620,717,411,303,424,000 percent. The number of people 455 years of age or older has increased by 2,361,183,241,434,822,606,848,000 percent. The number of people 460 years of age or older has increased by 4,722,366,482,869,645,213,696,000 percent. The number of people 465 years of age or older has increased by 9,444,732,965,739,290,427,392,000 percent. The number of people 470 years of age or older has increased by 18,889,465,931,478,580,854,784,000 percent. The number of people 475 years of age or older has increased by 37,778,931,862,957,161,709,568,000 percent. The number of people 480 years of age or older has increased by 75,557,863,725,914,323,419,136,000 percent. The number of people 485 years of age or older has increased by 151,115,727,451,828,646,838,272,000 percent. The number of people 490 years of age or older has increased by 302,231,454,903,657,293,676,544,000 percent. The number of people 495 years of age or older has increased by 604,462,909,807,314,587,353,088,000 percent. The number of people 500 years of age or older has increased by 1,208,925,819,614,629,174,706,176,000 percent. The number of people 505 years of age or older has increased by 2,417,851,639,229,258,349,412,352,000 percent. The number of people 510 years of age or older has increased by 4,835,703,278,458,516,698,824,704,000 percent. The number of people 515 years of age or older has increased by 9,671,406,556,917,033,397,649,408,000 percent. The number of people 520 years of age or older has increased by 19,342,813,113,834,066,795,298,816,000 percent. The number of people 525 years of age or older has increased by 38,685,626,227,668,133,590,597,632,000 percent. The number of people 530 years of age or older has increased by 77,371,252,455,336,267,181,195,264,000 percent. The number of people 535 years of age or older has increased by 154,742,504,910,672,534,362,390,528,000 percent. The number of people 540 years of age or older has increased by 309,485,009,821,345,068,724,781,056,000 percent. The number of people 545 years of age or older has increased by 618,970,019,642,690,137,449,562,112,000 percent. The number of people 550 years of age or older has increased by 1,237,940,039,285,380,274,899,124,224,000 percent. The number of people 555 years of age or older has increased by 2,475,880,078,570,760,549,798,248,448,000 percent. The number of people 560 years of age or older has increased by 4,951,760,157,141,521,099,596,496,896,000 percent. The number of people 565 years of age or older has increased by 9,903,520,314,283,042,199,193,993,792,000 percent. The number of people 570 years of age or older has increased by 19,807,040,628,566,084,398,387,

PRIORITY

PRIORITY

INTERNAL USE ONLY ☐ UNCLASSIFIED

Orig RS - D/OP w/Orig of Att

~~1 RS - DDA Subject w/att~~

1 RS - DDA Chrono w/att

1 RS - JFB Chrono w/att

15. DDA:JFBlake:der (2 September 1976)

610

USE PREVIOUS

SECRET

CONFIDENTIAL

**INTERNAL
USE ONLY**

UNCLASSIFIED

Approved For Release 2001/08/27 : CIA-RDP79-00498A000500020009-5